UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,707	04/04/2001	Simon Peter Valentine	01-394	3102

7590   08/12/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/825,707	VALENTINE ET AL.
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _28 May 2005_.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _11_ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10 and 12-20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Response to Amendment

1.   This action is responsive to amendment received on restriction election received

on May 26, 2005. Claims 17-20 were newly added. Claims 1-10 and 12-20 were elected

without traverse.

Applicant's election without traverse of claims 1-10 and 12-20 in the reply filed on

May 26, 2005 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 13 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 13 and 19 state "the first given protocol is HTML". However, it is well

known in the art that HTML is a hypertext document format used on the world wide web

and not a "protocol".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

3. Claims 1-10 and 12-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kracht, U.S. Patent No. 6,516,345.

Kracht teaches the invention explicitly as claimed including a system and method for determining a set of network addresses for identifying a network devices (see abstract).

As to claim 1, Kracht teaches a method of discovery and display of one or more phones on a network, said method including the steps of

discovering a phone by means of a first protocol (see col. 6 lines 51-col. 7 lines 5 and col. 18 lines 53-67) ,

using discovered information to insert an icon representing the phone in the relevant position in a display of the topology of the network (see col. 6 lines 51-col. 7 lines 5), and

discovering other devices on the network using a different protocol (see col. 7 lines 20-30).

As to claim 2, Kracht teaches a method as claimed in claim 1 in which the phone is discovered using HTML, and the other devices are discovered using SNMP (see col. 6 lines 51-col. 7 lines 5 and lines 20-30).

As to claim 3, Kracht teaches a method as claimed in claim 1 in which the display comprises a map of the network (see fig. 8 and its corresponding illustration).

As to claim 4, Kracht teaches a method as claimed in claim 3 in which, on the map, the icon phone is connected to the other parts of the network by a line which represents the line connecting the telephone to the network (see fig. 8 and its corresponding illustration).

As to claim 5, Kracht teaches a method as claimed in claim 1 in which the display includes, adjacent said phone icon, further information relating to the phone (see col. 14 lines 40-67).

As to claim 6, Kracht teaches a computer program on a computer readable medium or embodied in a carrier wave for use in discovery and display of one or more phones on a network, said computer program comprising: a program step for establishing the topology of the network including said one or more phones, said program step comprising a program step for establishing the topology of the network using a first protocol, and a program step for establishing the topology of said one or more phones using a different protocol, and a program step for using this information to insert an icon representing a relevant phone into a display of the topology of the network (see col. 6-col. 7).

As to claim 7, Kracht teaches a computer program as claimed in claim 6 in which the first protocol is SNMP and the second protocol is HTML (see col. 6 lines 51-col. 7 lines 5 and lines 20-30).

As to claim 8, Kracht teaches a computer program as claimed in claim 6 including a program step for providing the topology in a form which may be displayed on

a visual display unit as a map of the network (see fig. 8 and its corresponding illustration).

As to claim 9, Kracht teaches a computer program as claimed in claim 6 including a program step whereby on the map, the icon is connected to other parts of the network by a line which represents the line connecting the telephone to the network (see fig. 8 and its corresponding illustration).

As to claim 10, Kracht teaches a computer program as claimed in claim 6 including a program step for establishing further information relating to the phone, and a program step for providing said information in a form whereby this information may be displayed on the visual display unit (see col. 14 lines 40-67).

As to claim 12, Kracht teaches apparatus for use in the discovery of one or more phones on a network, comprising means to discover the network, including means to discover one or more phones and the other devices on the network using different protocols and means to use the information discovered to insert an icon representing a phone in the relevant position in a display of the topology of the network (see fig. 8 and its corresponding illustration).

As to claims 13 and 19, Kracht teaches apparatus as claimed in claim 12 in which different protocols comprise second format is SNMP (see col. 6 lines 51-col. 7 lines 5 and lines 20-30).

As to claim 14, Kracht teaches apparatus as claimed in claim 12 in which the display comprises a map of the network (see fig. 8 and its corresponding illustration).

As to claim 15, Kracht teaches apparatus as claimed in claim 14 in which, on the map, the icon is connected to the other parts of the network by a line which represents the line connecting the telephone to the network (see fig. 8 and its corresponding illustration).

As to claim 16, Kracht teaches apparatus as claimed in claim 12 in which the display includes, adjacent said phone icon, further information relating to the phone (see col. 6 lines 51-col. 7 lines 5 and lines 20-30).

As to claim 17, Kracht teaches a method as claimed in claim 1 in which discovering a Phone by means of a first protocol comprises obtaining front the network an address of the phone using a first given protocol; and

responsive to obtaining the address obtaining from the network the identity of the phone using a second given protocol (see col. 6 lines 51-col. 7 lines 30).

As to claim 18, Kracht teaches a method as claimed in claim 17 further comprising obtaining from the network details associated with the phone using the second given protocol (see col. 6 lines 51-col. 7 lines 30).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kracht.

Kracht teaches a system and method for discovering a loading a page and

parsing information from the webpage to establish correspondence between a phone

and a MAC address (see col. 6 lines 45-col. 7 lines 30). However Kracht does not

explicitly teach the page is a webpage. It would have been obvious for one of the

ordinary skill in the art at the time of the invention to load the Kracht's page as a

webpage on the world wide web because doing so would allow the user to view the

page from virtually any location with access to the internet and therefore overcome the

need to have the specialized software or page loaded or stored on a single machine.

Response to Arguments

6.   Applicant's arguments have been fully considered but they are not persuasive. In

substance, applicant argues that Kracht does not disclose discovering a phone by

means of a first protocol and discovering other devices on the network using a different

protocol.

In response, Kracht teaches a system and method for discovering devices using

at least two protocols to discover network devices. The method uses ICMP to ping a

range of IP address and identify devices that are connected to the network (see col. 7

lines 1-30). The method also includes sending SNMP requests to SNMP agents to

discover other devices connected to the network (see col. 9 lines 15-col. 10 lines 35).

There is no limitation in the claim on how the devices are being discovered and

therefore Kracht's teaching of pinging a range of network addresses using ICMP to

discover network devices and sending SNMP requests to SNMP agents to discover

other devices connected to the network meets the scope of the claimed limitation

"discovering a phone by means of a first protocol and discovering other devices on the network using a different protocol".

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

July 26, 2005

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SUPERVISORY PATENT EXAMINER
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